

REMARKS

This amendment is submitted in reply to the Office Action dated September 7, 2006. Claims 1-21 currently stand rejected. Applicant respectfully traverses.

In light of the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §103

Claims 1-7, 9 and 20 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sumner (U.S. Patent No. 6,091,947) in view of Vuori (U.S. Patent Application Publication No. 2002/0146097). Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Sumner in view of Vuori and further in view of Smith et al. (U.S. Patent No. 6,891,811, hereinafter “Smith”). Claims 10-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith in view of Vuori.

Notably, Vuori was published on October 10, 2002, after the filing date of the present application (i.e., September 28, 2001). Pursuant to 35 U.S.C. §103(c), for applications filed after November 29, 1999, such as the present application, references that qualify as prior art under 35 U.S.C. §102(e), (f) or (g) cannot properly be cited to support an obviousness rejection if the subject matter of the reference and the pending application were commonly owned at the time of the invention. In the instant case, the subject matter of Vuori was commonly owned at the time of the invention of the subject matter of the present application. In this regard, the present application and Vuori are both effectively assigned to Nokia Corporation. Applicant respectfully notes that specific evidence to that effect was filed with Applicant’s response of December 19, 2005. As such, Vuori cannot properly be cited in support of an obviousness rejection of the claimed invention under 35 U.S.C. § 103.

As Vuori is disqualified as prior art to support a rejection of the claimed invention under 35 U.S.C. § 103, Applicant respectfully submits that the rejections of Claims 1-20, under 35 U.S.C. § 103(a) as being unpatentable over either Smith or Sumner in view of Vuori are overcome. In view of the foregoing remarks, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

Claim Rejections - 35 USC §102

Claim 21 currently stands rejected under 35 U.S.C. §102(b) as being anticipated by Sumner. Applicant respectfully traverses.

Independent claim 21 recites, *inter alia*, receive circuitry configured to receive a short voice message service (SVMS) message in a packet-data format and packet disassembly circuitry configured to receive the SVMS message in the packet-data format and to process the SVMS message into a digital data format.

Sumner is directed to a mechanism for conveying a voice mail message to a mobile handset when the handset is not disposed to receive a normal voice call (col. 2, lines 18-19). Applicants note as an initial matter that Sumner relates to voice mail messages and not SVMS messages as recited in the claimed invention. As clearly described in the specification, for example, at page 6, lines 5-7, an SVMS message is a digital packet formatted message converted from a digitally sampled audio input. There is no disclosure in Sumner which teaches or suggests that the voice mail processed by Sumner corresponds to the SVMS message of the claimed invention. Furthermore, there does not appear to be any disclosure in Sumner to suggest that the voice mail of Sumner is in a packet-data format. Accordingly, any receive circuitry of Sumner is not receive circuitry configured to receive an SVMS message in a packet-data format as recited in independent claim 21. Additionally, Applicant respectfully notes that Sumner only suggests voice channel communication links (see for example col. 3, lines 29-36 and col. 4, lines 47-50 and 59, thereby further illustrating that Sumner is not associated with SVMS messages in the packet-data format as recited in independent claim 21.

Applicant also notes that although the Office Action cites col. 4, lines 45-64 as disclosing packet disassembly circuitry configured to receive the SVMS message in the packet-data format and to process the SVMS message into a digital data format, the cited passage only refers to a message-processing program for detecting “normal voice transmissions and voice mail messages” (col. 4, lines 48-49) and never teaches or suggests any disassembly circuitry much less packet disassembly circuitry as recited in the claimed invention. Moreover, since the message-processing program of Sumner receives “normal voice transmissions and voice mail messages” and routes such data at a correct transmission rate, the cited passage fails to teach or

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suggest processing the SVMS message into a digital data format as recited in independent claim 21. In other words, Sumner receives normal voice mail messages and routes them as such at a correct transmission rate and fails to teach or suggest receiving messages (i.e., SVMS messages) in a packet-data format and processing them into a digital data format as recited in the claimed invention. Thus, Sumner fails to teach or suggest packet disassembly circuitry configured to receive the SVMS message in the packet-data format and to process the SVMS message into a digital data format as recited in independent claim 21.

Accordingly, for all the reasons stated above, the rejection of independent claim 21 is overcome.

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CONCLUSION

In view of the remarks presented above, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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